

110TH CONGRESS
2D SESSION

H. R. 5604

To amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals.

IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 2008

Mr. DOGGETT (for himself, Mr. LINCOLN DIAZ-BALART of Florida, Mr. RAMSTAD, Mr. ALLEN, Mrs. CAPITO, Mr. COHEN, Mr. MARIO DIAZ-BALART of Florida, Mr. AL GREEN of Texas, Mr. HOLDEN, Mr. KENNEDY, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Ms. MATSUI, Mr. MORAN of Virginia, Mr. PLATTS, Ms. ROS-LEHTINEN, and Ms. LINDA T. SÁNCHEZ of California) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Medicare Part D Home
5 and Community Services Copayment Equity Act of 2008”.

1 **SEC. 2. ELIMINATION OF PART D COST-SHARING FOR CER-**
2 **TAIN NON-INSTITUTIONALIZED FULL-BEN-**
3 **EFIT DUAL ELIGIBLE INDIVIDUALS.**

4 (a) IN GENERAL.—Section 1860D–14(a)(1)(D)(i) of
5 the Social Security Act (42 U.S.C. 1395w–
6 114(a)(1)(D)(i)) is amended—

7 (1) in the heading, by striking “INSTITU-
8 TIONALIZED INDIVIDUALS.—In” and inserting
9 “ELIMINATION OF COST-SHARING FOR CERTAIN
10 FULL-BENEFIT DUAL ELIGIBLE INDIVIDUALS.—

11 “(I) INSTITUTIONALIZED INDIVIDUALS.—In”; and
12

13 (2) by adding at the end the following new sub-
14 clauses:

15 “(II) CERTAIN OTHER INDIVIDUALS.—In the case of an individual
16 who is a full-benefit dual eligible indi-
17 vidual and who is a resident of a facil-
18 ity described in subclause (III) or who
19 is receiving home and community-
20 based services in a home setting pro-
21 vided under a home and community-
22 based waiver approved for the State
23 under section 1915 or 1115, the elimi-
24 nation of any beneficiary coinsurance
25 described in section 1860D–2(b)(2)
26

1 (for all amounts through the total
2 amount of expenditures at which ben-
3 efits are available under section
4 1860D–2(b)(4)).

5 “(III) FACILITY DESCRIBED.—

6 For purposes of subclause (II), a fa-
7 cility described in this subclause is an
8 assisted living facility or a resident
9 care program facility (as such terms
10 are defined by the Secretary), a board
11 and care facility (as defined in section
12 1903(q)(4)(B)), or any other facility
13 that is licensed or certified by the
14 State involved and is determined ap-
15 propriate by the Secretary, such as a
16 community mental health center that
17 meets the requirements of section
18 1913(c) of the Public Health Service
19 Act, a psychiatric health facility, a
20 mental health rehabilitation center,
21 and a mental retardation develop-
22 mental disability facility.”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 subsection (a) shall apply to drugs dispensed on or after
3 the date of the enactment of this Act.

